

# DRAFT

## Federal Operating Permit Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

|                      |   |
|----------------------|---|
| Permittee Name:      | Strongwell Corporation                    |
| Facility Name:       | Strongwell Corporation-Highlands Division |
| Facility Location:   | 26770 Newbanks Road, Abingdon, Virginia   |
| Registration Number: | 11207                                     |
| Permit Number:       | SWRO11207                                 |

XXXXXX, 2005

Effective Date

XXXXXX, 2010

Expiration Date

Robert G. Burnley

Director, Department of Environmental Quality

XXXXXX, 2005

Signature Date

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## **I. Facility Information**

### **Permittee**

Strongwell Corporation  
P. O. Box 580  
Bristol, Virginia 24203-0580

### **Responsible Official**

John E. Barker  
Manager, Environmental Affairs

### **Facility**

Strongwell Corporation-Highlands Division  
26770 Newbanks Road  
Abingdon, Virginia 24210

### **Contact Person**

John E. Barker  
Manager, Environmental Affairs  
(276) 645-8000

**AFS Identification Number:** 51-191-0165

**Facility Description:** SIC Code 3089 – Strongwell Corporation manufactures fiberglass reinforced plastics using pultrusion and casting processes at the Highlands Division facility. The pultrusion process involves drawing reinforced fibers through a liquid resin mixture. The saturated fibers are then pulled through forming guides and into a heated die. The resin chemically reacts in the die creating a solid, hard finished part as the material exits. The profile produced is then cut to length. Pultrusion resins have two basic components: base resin and monomers. Emissions of volatile organic compounds (VOC) and hazardous air pollutants (HAP) result from evaporation of monomers. Emissions of particulate matter (PM) result from cutting the profile to length.

The casting process involves pouring a mixture of unsaturated polyester vapor-suppressed resin, sand, gravel, calcium carbonate and small amounts of catalyst and promoter into a mold containing fiberglass fabric reinforcement to produce a polymer concrete product. Emissions of VOC and HAP result from evaporation of monomers. Emissions of PM result from aggregate handling.

## II. Emission Units

Equipment to be operated consists of:

| Emission Unit ID            | Stack ID                | Emission Unit Description   | Size/Rated Capacity*          | Pollution Control Device (PCD) Description | PCD ID            | Pollutant Controlled | Applicable Permit Date |
|-----------------------------|-------------------------|---|-------------------------------|--|-------------------|----------------------|------------------------|
| <b>Casting Equipment</b>    |                         |   |                               |  |                   |                      |                        |
| AS-1 through AS-5           | VS-AS-1 through VS-AS-5 | Aggregate storage, 5 silos  | 13' diameter x 35' high, each | CPE Filters, 48-CBF-025-C                  | AF-1 through AF-5 | Particulate          | December 10, 2004      |
| BT-1 through BT-3           | -----                   | Resin blending, 3 tanks   | 1,000 gallon capacity, each   | -----                                      | -----             | -----                | December 10, 2004      |
| MC-1                        | VS-WC-3                 | Mixing and casting area consisting of 10 stations with various molds and hand tools | 4,325 lb/hr resin mixture     | To be determined                           | DC-WC-3           | Particulate          | December 10, 2004      |
| MC-2                        | VS-WC-4                 | Mixing and casting area consisting of 20 stations with various molds and hand tools | 8,650 lb/hr resin mixture     | To be determined                           | DC-WC-4           | Particulate          | December 10, 2004      |
| <b>Pultrusion Equipment</b> |                         |   |                               |  |                   |                      |                        |
| PM-1 through PM-5, and PM-9 | DC-1                    | Strongwell, 4 cavity model; produces fiber reinforced plastic products, 6 machines  | 300 lb/hr, each               | Farr, size 20D cartridge dust collector    | DC-WC-1           | Particulate          | December 10, 2004      |
| PM-10                       | DC-2                    | Strongwell, 4 cavity model; produces fiber reinforced plastic products, 1 machine   | 300 lb/hr                     | Farr, size 20D cartridge dust collector    | DC-WC-2           | Particulate          | December 10, 2004      |

\*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

### III. Process Equipment Requirements – Casting Equipment, MC-1, MC-2, and AS-1 through AS-5

#### A. Limitations

1. Particulate emissions from the aggregate storage silo vents, AF-1 through AF-5, shall be controlled by fabric filtration. The fabric filtration systems shall be provided with adequate access for inspection.  
(9 VAC 5-80-1180, 9 VAC 5-80-110 and Condition 3 of 12/10/04 Permit)
2. Particulate emissions from the transfer of material into the aggregate storage silos, AS-1 through AS-5, shall be controlled by wet suppression or equivalent. The particulate control systems shall be provided with adequate access for inspection.  
(9 VAC 5-80-1180, 9 VAC 5-80-110 and Condition 4 of 12/10/04 Permit)
3. The approved mold release agent for use in the cast polymer concrete operations is W.N. Shaw & Co., L-306 release blend, or equivalent. A change in the mold release agent may require a permit to modify and operate.  
(9 VAC 5-80-1180, 9 VAC 5-80-110 and Condition 6 of 12/10/04 Permit)
4. The total consumption of all aggregate materials in the cast polymer concrete operations shall not exceed a total of more than 47,570 tons per year, calculated monthly as the sum of each consecutive 12-month period.  
(9 VAC 5-80-1180, 9 VAC 5-80-110 and Condition 7 of 12/10/04 Permit)
5. The total consumption of styrene resin mix in the cast polymer concrete operations shall not exceed a total of more than 5,913 tons per year, calculated monthly as the sum of each consecutive 12-month period.  
(9 VAC 5-80-1180, 9 VAC 5-80-110 and Condition 8 of 12/10/04 Permit)
6. The total consumption of mold release agent in the cast polymer concrete operations shall not exceed a total of more than 63.07 tons per year, calculated monthly as the sum of each consecutive 12-month period.  
(9 VAC 5-80-1180, 9 VAC 5-80-110 and Condition 10 of 12/10/04 Permit)
7. Emissions from the operation of the cast polymer concrete manufacturing equipment, MC-1 and MC-2, shall not exceed the limits specified below:

|                               |             |               |
|-------------------------------|-------------|---------------|
| Volatile Organic<br>Compounds | 24.70 lb/hr | 93.14 tons/yr |
|-------------------------------|-------------|---------------|

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Conditions III.A.5 and III.A.6.

(9 VAC 5-50-260, 9 VAC 5-80-110 and Condition 12 of 12/10/04 Permit)

8. Visible emissions from each fabric filter exhaust, AF-1 through AF-5, shall not exceed 5 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown and malfunction.  
(9 VAC 5-50-260, 9 VAC 5-50-20, 9 VAC 5-80-110 and Condition 14 of 12/10/04 Permit)

## **B. Monitoring**

1. Visible emission observations shall be performed on each fabric filter exhaust, AF-1 through AF-5, at least once each week while the respective aggregate storage silo is being loaded. The visible emission observations shall be performed for a brief period of time to determine if the operating emissions units have visible emissions (does not include condensed water vapor/steam), unless a 40 CFR 60 Appendix A Method 9 visible emissions evaluation is performed on the emissions unit. If visible emissions are observed during the weekly observations, then a visible emissions evaluation in accordance with 40 CFR 60, Appendix A, Method 9 shall be conducted on the unit with visible emissions. A Method 9 evaluation is not required if the visible emission condition is corrected as expeditiously as practicable such that no visible emissions are present and, the visible emission condition, cause and corrective measures taken are recorded. A record of each visible emissions observation shall be maintained. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable emissions requirement, the results of the observation and the name of the observer.  
(9 VAC 5-50-20 and 9 VAC 5-80-110 K)
2. Emissions from the casting equipment shall be calculated using DEQ approved emission factors.  
(9 VAC 5-50-50 and 9 VAC 5-80-110)

## **C. Recordkeeping**

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:

1. Annual consumption of aggregate material in the cast polymer concrete operations, calculated monthly as the sum of each consecutive 12-month period.
2. Annual consumption of styrene resin mix in the cast polymer concrete operations, calculated monthly as the sum of each consecutive 12-month period.
3. Annual consumption of mold release agent in the cast polymer concrete operations, calculated monthly as the sum of each consecutive 12-month period.
4. Visible emissions observations and evaluations.

5. Emission factors used to calculate emissions from the casting equipment, MS-1 and MS-2.
6. Operating procedures, scheduled and unscheduled maintenance of all air pollution control equipment based on the manufacturer's recommendations, at minimum.
7. Air pollution control equipment operator training, including the names of trainees, the date of training and the nature of the training.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 9 VAC 5-80-110 and Conditions 16 and 22 of 12/10/04 Permit)

#### **D. Testing**

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.  
(9 VAC 5-50-30 F, 9 VAC 5-80-110 and Condition 15 of 12/10/04 Permit)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following methods in accordance with procedures approved by the DEQ as follows:

| Pollutant        | Test Method<br>(40 CFR Part 60, Appendix A) |
|------------------|---|
| VOC              | EPA Methods 18, 25, 25a                     |
| Visible Emission | EPA Method 9                                |

(9 VAC 5-80-110)

#### **E. Reporting**

The permittee shall furnish written notification to the Director, Southwest Regional Office regarding:

1. The actual date on which construction of the cast polymer concrete manufacturing equipment commenced within 30 days after such date.
2. The actual start-up dates of the cast polymer concrete manufacturing equipment within 15 days after such date.

(9 VAC 5-50-50, 9 VAC 5-80-110 and Condition 17 of 12/10/04 Permit)

### **IV. Process Equipment Requirements – Pultrusion Equipment, PM-1 through PM-5, PM-9 and PM-10**

#### **A. Limitations**

1. Particulate emissions from the pultrusion equipment, PM-1 through PM-5, PM-9 and PM-10, shall be controlled by dust collectors using fabric or paper filters. The dust



collectors shall be provided with adequate access for inspection.  
(9 VAC 5-80-1180, 9 VAC 5-80-110 and Condition 5 of 12/10/04 Permit)

2. The pultrusion operations shall process no more than the following quantities of the listed materials or their equivalents, calculated monthly as the sum of each consecutive 12-month period:

|                     | <u>lb/hr</u> | <u>t/yr</u> |
|---------------------|--------------|-------------|
| Esperox 570P        | 8.40         | 25.8        |
| t-Butyl Perbenzoate | 2.10         | 6.5         |
| Silquest A-174      | 10.50        | 32.3        |
| 12% Cobalt          | 0.63         | 0.07        |
| Lupersol DDM-9      | 0.56         | 0.1         |
| Dimethylaniline     | 0.04         | 0.01        |
| PM Blend            | 80.0         | 50.0        |
| 1124 Solvent        | 20.0         | 2.5         |
| M-1526 Inhibitor    | 2.0          | 1.3         |

(9 VAC 5-80-1180, 9 VAC 5-80-110 and Condition 11 of 12/10/04 Permit)

3. Emissions from the operation and clean-up of the pultrusion equipment, PM-1 through PM-5, PM-9 and PM-10, shall not exceed the limits specified below:

|                               |             |               |
|-------------------------------|-------------|---------------|
| Volatile Organic<br>Compounds | 47.43 lb/hr | 82.14 tons/yr |
|-------------------------------|-------------|---------------|

Annual emissions shall be calculated as the sum of each consecutive 12-month period.

(9 VAC 5-50-260, 9 VAC 5-80-110 and Condition 13 of 12/10/04 Permit)

4. Visible emissions from the dust collector exhausts, DC-WC-1 and DC-WC-2, shall not exceed 5% opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown and malfunction.

(9 VAC 5-50-20, 9 VAC 5-50-260, 9 VAC 5-80-110 and Condition 14 of 12/10/04 Permit)

## **B. Monitoring**

1. Visible emission observations shall be performed on each dust collector exhaust, DC-WC-1 and DC-WC-2, at least once each day for a brief period of time to determine if the operating emissions units have visible emissions (does not include condensed water vapor/steam), unless a 40 CFR 60 Appendix A Method 9 visible emissions evaluation is performed on the emissions unit. If visible emissions are observed during the daily observations, then a visible emissions evaluation in accordance with 40 CFR 60, Appendix A, Method 9 shall be conducted on the unit with visible emissions. A Method 9 evaluation is not required if the visible emission condition is corrected as expeditiously as practicable such that no visible emissions are present and, the visible emission condition, cause and corrective measures taken are recorded.

A record of each visible emissions observation shall be maintained. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable emissions requirement, the results of the observation and the name of the observer.  
(9 VAC 5-50-20 and 9 VAC 5-80-110 K)

2. Emissions from the operation and clean up of the pultrusion equipment shall be calculated using DEQ approved emission factors.  
(9 VAC 5-50-50 and 9 VAC 5-80-110)

### **C. Recordkeeping**

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:

1. Annual consumption of styrene resin mix in the pultrusion machines, calculated monthly as the sum of each consecutive 12-month period.
2. Monthly and annual hours of operation of the pultrusion operations. Annual hours of operation shall be calculated monthly as the sum of each consecutive 12-month period.
3. Monthly and annual consumption of resin mix materials in the pultrusion operations including additives, catalysts and solvents. Annual amounts shall be calculated monthly as the sum of each consecutive 12-month period.
4. Hourly consumption of resin mix materials in the pultrusion operations. Hourly amounts shall be calculated by dividing monthly consumption of resin mix materials in the pultrusion operations by monthly hours of operation of the pultrusion operations.
5. Visible emissions observations and evaluations.
6. Operating procedures, scheduled and unscheduled maintenance of all air pollution control equipment based on the manufacturer's recommendations, at minimum.
7. Air pollution control equipment operator training including the names of trainees, the date of training and the nature of the training.
8. Emission factors used to calculate emissions from the pultrusion equipment, PM-1 through PM-5, PM-9 and PM-10.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 9 VAC 5-80-110 and Conditions 16 and 22 of 12/10/04 Permit)

**D. Testing**

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.  
(9 VAC 5-50-30 F, 9 VAC 5-80-110 and Condition 15 of 12/10/04 Permit)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

| Pollutant        | Test Method<br>(40 CFR Part 60, Appendix A) |
|------------------|---|
| VOC              | EPA Methods 18, 25, 25a                     |
| Visible Emission | EPA Method 9                                |

(9 VAC 5-80-110)

**V. Facility-Wide Conditions****A. Limitations**

1. The facility, excluding the cast polymer concrete operations, shall consume no more than 6,450 tons per year of styrene resin mix, calculated monthly as the sum of each consecutive 12-month period.  
(9 VAC 5-80-1180, 9 VAC 5-80-110, and Condition 8 of 12/10/04 Permit)
2. The facility shall consume no more than 600 tons per year of phenolic resin mix, calculated monthly as the sum of each consecutive 12-month period.  
(9 VAC 5-80-1180, 9 VAC 5-80-110, and Condition 9 of 12/10/04 Permit)

**B. Monitoring and Recordkeeping**

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:

1. Annual consumption of phenolic resin mix in the facility including the cast polymer concrete operations, calculated monthly as the sum of each consecutive twelve 12-month period.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 9 VAC 5-80-110 and Condition 16 of 12/10/04 Permit)

**C. Testing**

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall

be provided at the appropriate locations.

(9 VAC 5-50-30 F, 9 VAC 5-80-110 and Condition 15 of 12/10/04 Permit)

- If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

| Pollutant   | Test Method<br>(40 CFR Part 60, Appendix A) |
|-------------|---|
| VOC         | EPA Methods 18, 25, 25a                     |
| VOC Content | EPA Methods 24, 24a                         |

(9 VAC 5-80-110)

## VI. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

| Emission Unit No.  | Emission Unit Description                | Citation              | Pollutant(s) Emitted<br>(9 VAC 5-80-720 B)         | Rated Capacity<br>(9 VAC 5-80-720 C)  |
|--------------------|--|-----------------------|--|---------------------------------------|
| T-WC-1 and T-WC-2  | Bulk resin storage tanks (2 tanks)       | 9 VAC 5-80-720 B.5.   | VOC  | 6,768 gallon capacity, each           |
| T-WC-3 and T-WC-4  | Bulk resin storage tanks (2 tanks)       | 9 VAC 5-80-720 B.5.   | VOC  | 10,000 gallon capacity, each          |
| HC-1               | York heating/cooling system              | 9 VAC 5-80-720 C.2.A. | PM-10, VOC, NO <sub>x</sub> , SO <sub>2</sub> , CO | 0.163 Million Btu/HR heat input       |
| HC-2 and HC-3      | York heating/cooling system              | 9 VAC 5-80-720 C.2.A. | PM-10, VOC, NO <sub>x</sub> , SO <sub>2</sub> , CO | 0.10 Million Btu/HR heat input, each  |
| SH-1 through SH-36 | Radiant space heaters, natural gas-fired | 9 VAC 5-80-720 A.6    | CO   | 0.075 Million Btu/HR heat input, each |

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

## VII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

| Citation   | Title of Citation   | Description of Applicability   |
|--|---|--|
| 40 CFR Part 60,<br>Subpart VVV and 9<br>VAC 5-50-410 | Standards of Performance for<br>Polymeric Coating of Supporting<br>Substrates Facilities                                | Each coating operation and any<br>onsite coating mix preparation<br>equipment used to prepare<br>coatings for the polymeric<br>coating of supporting substrates. |
| 9 VAC 5-40-260                                       | Existing Stationary Source<br>Emission Standards for General<br>Process Operations - Standard for<br>Particulate Matter | Each process operation, each<br>process gas stream and each<br>combustion installation.  |

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.  
(9 VAC 5-80-140)

## **VIII. General Conditions**

### **A. Federal Enforceability**

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

### **B. Permit Expiration**

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal

permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.  
(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

### **C. Recordkeeping and Reporting**

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - a. The date, place as defined in the permit, and time of sampling or measurements.
  - b. The date(s) analyses were performed.
  - c. The company or entity that performed the analyses.
  - d. The analytical techniques or methods used.
  - e. The results of such analyses.
  - f. The operating conditions existing at the time of sampling or measurement.  
(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.  
(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
- b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
  - (1) Exceedance of emissions limitations or operational restrictions;
  - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
  - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”  
(9 VAC 5-80-110 F)

#### **D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.

6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)  
U. S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

#### **E. Permit Deviation Reporting**

The permittee shall notify the Director, Southwest Regional Office, within four (4) daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VIII.C.3. of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

#### **F. Failure/Malfunction Reporting**

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Southwest Region by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Southwest Region.

(9 VAC 5-20-180 C)

#### **G. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)



#### **H. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

#### **I. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

#### **J. Permit Modification**

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.

(9 VAC 5-80-190 and 9 VAC 5-80-260)

#### **K. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

#### **L. Duty to Submit Information**

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.

(9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.

(9 VAC 5-80-110 K.1)

#### **M. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by

April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.  
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

#### **N. Fugitive Dust Emission Standards**

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-90)

#### **O. Startup, Shutdown, and Malfunction**

At all times, including periods of startup, shutdown, soot blowing and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E)

#### **P. Alternative Operating Scenarios**

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating

scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1. (9 VAC 5-80-110 J)

**Q. Inspection and Entry Requirements**

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

**R. Reopening For Cause**

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

**S. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

**T. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.

(9 VAC 5-80-160)

2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.

(9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.

(9 VAC 5-80-160)

**U. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
  - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
  - b. The permitted facility was at the time being properly operated.
  - c. During the period of malfunction, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit.
  - d. The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that

allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.  
(9 VAC 5-80-250)

#### **V. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.  
(9 VAC 5-80-190 C and 9 VAC 5-80-260)

#### **W. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.  
(9 VAC 5-80-80 E)

#### **X. Stratospheric Ozone Protection**

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.  
(40 CFR Part 82, Subparts A-F)

#### **Y. Asbestos Requirements**

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).  
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

**Z. Accidental Release Prevention**

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

**AA. Changes to Permits for Emissions Trading**

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

**BB. Emissions Trading**

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

**IX. State-Only Enforceable Requirements**

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

1. 9 VAC 5-50-310, Standard for odor.
- (9 VAC 5-80-110 N and 9 VAC 5-80-300)